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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 12th January 1949

The following Act of the Constituent Assembly has been authenticated by the President of the Constituent Assembly by his signature on the 10th January, 1949, and is hereby published for general information:—

CONSTITUENT ASSEMBLY ACT No. I OF 1949

An Act to amend the Government of India Act, 1935.

WHEREAS it is expedient to amend the Government of India Act, 1935, for the purposes hereinafter appearing; 23 Geo. 5,
c. 2.

It is hereby enacted as follows:—

1 (1) This Act may be called the Government of India (Amendment) Act, 1949. Short title
and com-
mencement.

(2) It shall come into force on the 15th day of January, 1949.

2. The Interpretation Act, 1889, applies for the interpretation of this Act as it applies for the interpretation of an Act of Parliament. Interpreta-
tion.

3. In section 8 of the Government of India Act, 1935 (hereinafter referred to as the said Act),—

(a) in clause (i) of the proviso to sub-section (1), after the words "in this Act", the words "or in any law made by the Dominion Legislature with respect to any of the matters specified in the next succeeding sub-section" shall be inserted; and Amendment
of section 8
of the
Government
of India
Act, 1935.

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The matters referred to in clause (i) of the proviso to sub-section (1) of this section are—

(a) industrial and labour disputes;

(b) trade and commerce in, and production, supply and distribution of, products of industries the development of which is declared by Dominion law to be expedient in the public interest;

(c) the sanctioning of cinematograph films for exhibition; and

(d) inquiries and statistics for the purpose of any of the matters in the Concurrent Legislative List."

Insertion of new section 61A. 4. After section 61 of the said Act, the following section shall be inserted, namely:—

“61A. *Extension of term of office of members of Provincial Legislative Councils*—Notwithstanding anything contained in this Act, the Governor may, in the case of a Province having a Legislative Council, extend the term of office of a member of the Council, who is due to retire under sub-section (3) of section 61 of this Act, for such period as he thinks fit and may, in making such order, give such incidental and consequential directions as he may deem necessary.”

Amendment of section 101. 5 In section 101 of the said Act, before the words “Nothing in this Act” the words, figures and letter “Sore as provided in section 290A” shall be inserted.

Insertion of new sections 290A and 290B. 6. After section 290 of the said Act, the following sections shall be inserted, namely:—

“290A. *Administration of certain Acceding States as a Chief Commissioner's Province or as part of a Governor's or Chief Commissioner's Province.*—(1) Where full and exclusive authority, jurisdiction and powers for and in relation to the governance of any Indian State or of any group of such States are for the time being exercisable by the Dominion Government, the Governor-General may by Order direct—

(a) that the State or the group of States shall be administered in all respects as if the State or the group of States were a Chief Commissioner's Province, or

(b) that the State or the group of States shall be administered in all respects as if the State or the group of States formed part of a Governor's or a Chief Commissioner's Province specified in the Order.

Provided that if any Order made under clause (b) of this sub-section affects a Governor's Province, the Governor-General shall before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) Upon the issue of an Order under clause (a) of sub-section (1) of this section, all the provisions of this Act applicable to the Chief Commissioner's Province of Delhi shall apply to the State or the group of States in respect of which the Order is made.

(3) The Governor-General may in making an Order under sub-section (1) of this section give such supplemental, incidental and consequential directions (including directions as to representation in the Legislature) as he may deem necessary.

(4) In this section, reference to a State shall include reference to a part of a State.

290B. *Administration of areas included within a Governor's Province or a Chief Commissioner's Province by an Acceding State.*—(1) The Governor-General may by Order direct that any area included within a Governor's Province or the whole or any part of the area included within a Chief Commissioner's Province shall be administered in all respects by a neighbouring Acceding State as if such area formed part of such State and thereupon the provisions of this Act shall apply accordingly:

Provided that where any such Order is made with respect to any area included within a Governor's Province, the Governor-General shall, before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) An Order made under sub-section (1) of this section may contain such supplemental, incidental and consequential provisions (including provisions for varying the representation in the Legislature) as the Governor-General may deem necessary."

7. In the Seventh Schedule to the said Act,—

(a) for paragraph 34 of the Federal Legislative List, the following paragraph shall be substituted, namely:—

Amendment
of the
Seventh
Schedule.

"34 Development of industries, where development under Dominion control is declared by Dominion law to be expedient in the public interest; regulation and control of such industries";

(b) for paragraph 27 of the Provincial Legislative List, the following paragraph shall be substituted, namely:—

"27. Trade and commerce within the Province, subject to the provisions in paragraph 31A of List III; markets and fairs, money lending and money lenders.";

(c) for paragraph 29 of the Provincial Legislative List, the following paragraph shall be substituted, namely:—

"29. Production, supply and distribution of goods and development of industries, subject to the provisions in paragraph 31A of List III.";

(d) after paragraph 31 of the Concurrent Legislative List, the following paragraph shall be inserted, namely:—

31A Trade and commerce in, and production supply and distribution of, products of industries, the development of which is declared by Dominion law to be expedient in the public interest under paragraph 34 of List I."

K V K SUNDARAM, Secy.

